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HEARING DATE & TIME:
MAY 6, 2020 at 2:00 PM

Counsel for the Debtor

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re : CHAPTER 13

JOSE C. HERNANDEZ, :
CASE NO.: 18-23055 (SHL)
:
Debtor. :
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THE DEBTOR'S OBJECTION TO TRUSTEE'S MOTION TO DISMISS
AND REQUEST FOR ADJOURNMENT

TO: THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

1. On or about July 10, 2018, the Debtor filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code, as amended (the "Bankruptcy Code") with the Clerk of this Court. The case was initially referred to the Hon. Robert D. Drain and thereafter to the Bankruptcy Judge herein.

2. The Debtor's financial reverses was precipitated primarily by consumer debts.

3. The Debtor's Chapter 13 plan was confirmed on November 22, 2019 (the "Plan"). It provides for payments of \$375.00 per month for twelve (12) months and \$250.00 per month for forty-eight months.

4. The Debtor's plan provides a 100% distribution to creditors

5. According to the Debtor, he is current with her monthly payments due to the Trustee.

THE TRUSTEE'S MOTION TO DISMISS
SHOULD BE DENIED OR DEFERRED

6. The Trustee has moved to dismiss the Debtor's case on the grounds that the Debtor is allegedly behind in payments due under the Plan.
7. The Debtor maintains that he is current.
8. Counsel will explore with the Debtor whether he is eligible to extend the plan to 7 years (from the current 48 months) under the newly enacted CARES Act which permits debtors to extend their plans based upon hardship caused by COVID-19.
9. Based upon the foregoing, the Debtor respectfully requests that the motion be denied or deferred.

Dated: White Plains, New York
April 29, 2020

PENACHIO MALARA, LLP
By: /s/ Anne Penachio
Anne Penachio
Counsel for the Debtor
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